

## REMARKS

### Amendment to Claims

Claim 1 is rewritten as new claim 9 to positively recite the elements thereof in a form more customary for U.S. patent practice. Claim 9 recites a pyromechanical fastening element (see Figs. 1 and 2) comprising a metallic shell (2) having a rear portion with an open end and a diameter sized to be received in the opening of the first structural part (1a), and adapted to form a flange (7) for engaging a surface of the first structural part opposite the second structural part (1b). Claim 9 further recites an adapter (5) disposed within the shell between the head portion (3) and the rear portion, and exposed through the open end of the rear portion for heating by a punctiform heat source. No new matter is added.

Claims 2, 4, 5, 6 and 8 made dependent upon claim 9 and are amended to recite a pyromechanical fastening element, consistent with claim 9.

Claim 8 is amended to recite a floating disc, in accordance with the Examiner's suggest in section 4 of the Office Action.

### Claim Rejection under 35 USC § 112

Claim 8 has been rejected under 35 USC § 112 as indefinite in referring to the second structural part. Claim 8 has been amended as suggested by the Examiner.

In view of the amendment, Applicants respectfully request that the rejection be withdrawn, and that the claim be allowed.

**Claim Rejection under 35 USC § 102**

Claims 1 and 3-7 have been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 2,378,118 to Widrich. Claim 1 is rewritten as claim 9.

Applicants' pyromechanical fastening element includes an adapter disposed within the shell between the head portion and the rear portion. The adapter is exposed through the open end of the rear portion for heating by a punctiform heat source, such as a laser, to ignite the explosive charge contained within the shell. Widrich '118 does not disclose an adapter disposed within a shell and exposed through the open end for heating. The Office Action points to element 20 in Widrich '118. However, element 20 is a firing pin that is physically forced into the chamber 15a to set off the explosive charge 16a (column 3, lines 30-35). Moreover, in Applicants' fastening element, the diameter of the adapter is greater than the rear portion of the shell. Nothing in Widrich '118 shows an adapter having a diameter greater than the rear portion. Thus, Widrich '118 does not show Applicants' fastening element.

Claim 9 is directed to a pyromechanical fastening element that includes a metallic shell, a pyromechanical propellant charge and an adapter. In accordance with the claim, the adapter is disposed in the shell and has a diameter greater than the rear portion of the shell. Widrich '118 does not show an adapter within a shell having a diameter greater than the rear portion of the shell. Thus, Widrich '118 does not teach or suggest Applicants fastening element in claim 9.

Claims 4-6 ultimately depend from claim 9 and therefore, are also patentably distinguishable for the reason herein.

Accordingly, it is respectfully requested that the rejection of the claims 4-6 and 9 be reconsidered and withdrawn, and that the claims be allowed.

**Claim Rejection under 35 USC § 103 Widrich in view of Obanion**

Claim 2 has been rejected under 35 U.S.C. § 103 as unpatentable over Widrich '118 in view of Obanion (US 7,008,157).

Claim 2 depends from claim 9, which is distinguished over Widrich '118 for the reasons provided above. Obanion '157 does not teach or suggest an adapter exposed through an open end of the rear portion and therefore, does not overcome the shortcomings of Widrich '118.

Reconsideration and withdrawal of the rejection for claim 2 is respectfully requested, and it is requested that claim 2 be allowed.

**Claim Rejection under 35 USC § 103 Widrich in view of Kingsmore**

Claim 8 has been rejected under 35 U.S.C. § 103 as unpatentable over Widrich '118 in view of Kingsmore (US 2,616,328).

Claim 8 depends from claim 9, which is distinguished over Widrich '118 for the reasons provided above. Kingsmore '328 does not teach or suggest the rear portion of the shell having an open end and an adapter exposed through the open end. Therefore, Kingsmore '328 does not overcome the shortcomings of Widrich '118.

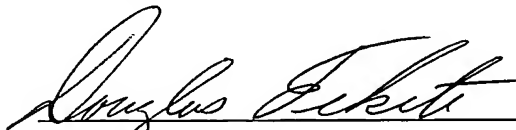
Reconsideration and withdrawal of the rejection for claim 8 is respectfully requested, and it is requested that claim 8 be allowed.

## Conclusion

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, reading "Douglas D. Fekete", is written over a horizontal line.

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